

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES 1/  
BUREAU OF HEALTH SYSTEM REGULATION  
DIVISION OF MEDICAL QUALITY ASSURANCE

Leah ~~Balboni~~  
264 Lenox Street  
New Haven, CT 06513  
Lic # 031830

Petition No. 910806-20-009

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND:

The Department of Health Services ("Department") presented the Connecticut Examining Board for Barbers, Hairdressers, and Cosmeticians ("Board") with a Statement of Charges against Leah Balboni ("Respondent") dated May 27, 1992. (Department Exhibit 4).

Prior to the initiation of the instant charges, the Department gave the Respondent the opportunity to attend a compliance conference to show compliance with all lawful requirements for the retention of her license. The compliance conference was scheduled for April 14, 1992 and then rescheduled to May 6, 1992, by letters sent to the Respondent. Both letters were returned to the Department, marked "Unclaimed". (Department Exhibit 1, 2 and 3).

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1/ Effective July 1, 1993, the Department of Health Services merged with the Connecticut Alcohol and Drug Abuse Commission to form the new Department of Public Health and Addiction Services. Public Act No. 93-381.

The Department served the Notice of Hearing and Statement of Charges on the Respondent by certified mail, returned receipt requested. (Department Exhibit 4). The Respondent orally filed an Answer to the Statement of Charges at the September 20, 1993 hearing. (Transcript 9/20/93 p. 7).

The hearing was scheduled for September 20, 1993. (Department Exhibit 4). The Respondent, prior to the hearing date, requested a continuance of the hearing date, which was denied by the Board. The Respondent appeared with her attorney, Robert A. Ginsburg of Robert A. Ginsburg, P.C. Ellen Shanley, Esq. represented the Department. At the hearing, Respondent again requested a continuance, which the Board granted. Prior to ending the hearing on September 20, 1993, the Respondent orally filed a Special Defense and a Motion to Dismiss in addition to an Answer to the Statement of Charges. (Transcript 9/20/93 pp. 6-8).

The hearing was rescheduled for and held on November 29, 1993. Paul Kaplan, Esq., of Robert A. Ginsburg, P.C., represented the Respondent.

At the hearing of November 29, 1993, the following oral motions were made. The Department requested a continuance of the hearing because one of its witnesses was unable to attend the hearing that day. (Transcript 11/29/93 p.16). Since the Department could not proceed with its case, the Respondent asked that the case be dismissed. (Transcript 11/29/93 p.18).

However, following a discussion between the parties, they reached a stipulation rendering these two motions moot. Pursuant to the stipulation, the Department amended paragraph 4 of the Statement of Charges to add paragraph 4C, as follows: "[The Respondent] was charged with possession of the controlled substance heroin and subsequently she pled guilty to that charge and was admitted to Accelerated Rehabilitation with or by Judge Mancini" to which the Respondent admitted. (Transcript 11/29/93 pp. 23-26). The Department also withdrew its motion for continuance and withdrew paragraphs 4a and 4b of the Statement of Charges.

In light of the stipulated agreement between the parties, they further agreed to amend paragraphs 2 and 3 of the Statement of Charges to begin with, "In July 1991,". Based on that amendment, Respondent admitted to paragraphs 2 and 3 and the Department struck the testimony of its witness, William Gerrish, an investigator for the Public Health Hearing Office. (Transcript 11/29/93 pp. 26-29).

The final Amended Statement of Charges alleged in one count that the Respondent had engaged in conduct in violation of Connecticut General Statutes §20-263, which conduct resulted in her being charged with possession of the controlled substance heroin and subsequently pleading guilty to that charge and being admitted to accelerated rehabilitation. (Department Exhibit 4; Transcript 11/29/93 p. 25).

The Board conducted the hearing in accordance with Connecticut General Statutes Chapter 54 and the Regulations of Connecticut State Agencies §19-2a-1, et seq. All members of the Board involved in this decision attest that they have either heard the case or read the record in its entirety. The decision is based entirely on the record, the statutes, and the specialized knowledge of the Board.

FINDINGS OF FACT:

With Regard to the First Count:

1. The Respondent was issued a license as a hairdresser and cosmetologist in 1980, which expired in 1991. (Transcript 11/29/93 pp. 31, 47-48 Department Exhibit 5).
2. In July, 1991, the Respondent owned and operated "Leah's Total Image", a hairdressing salon in West Haven, CT. (Transcript 11/29/93 pp. 28-29).
3. The Respondent practiced hairdressing at "Leah's Total Image" in July, 1991. (Transcript 11/29/93 pp. 28-29).
4. On July 18, 1991, heroin was found by police in the dispensary of "Leah's Total Image". Shortly before the discovery of the heroin, Wes Forbes, the Respondent's brother, and Charlie Moore were at the dispensary. (Transcript 11/29/93 pp. 34-37).

5. On or about July 18, 1991, Respondent was charged with possession of the controlled substance heroin and subsequently she pled guilty to that charge and was admitted to accelerated rehabilitation. (Transcript 11/29/93 pp. 25-26).

DISCUSSION AND CONCLUSIONS OF LAW:

The Department alleges that the Respondent was in violation of Connecticut General Statutes §20-263, which provides in pertinent part:

Disciplinary action; grounds

...The Board may suspend the license of any operator, registered hairdresser and cosmetician or any shop registration or school license, and may revoke the license or shop registration of any person convicted of violating any provision of this chapter or any regulation adopted hereunder or take any of the actions set forth in section 19a-17 for any of the following reasons:... illegal, incompetent or negligent conduct in the course of professional activities....

Disciplinary action may be taken against a person who has held a valid professional license issued by the Department within eighteen (18) months of the commencement of such disciplinary action.

Connecticut General Statutes §19a-14a. The Respondent's hairdresser and cosmetician license expired in 1991. No evidence was provided as to the exact date of expiration. However, the Statement of Charges, which represents the commencement of disciplinary action, was signed on May 27, 1992. Even if the Respondent's license expired on January 1, 1991, the Department initiated its disciplinary action against her within the requisite eighteen month period.

The Department sustained its burden of proof as to paragraphs 1, 2, 3, 4c and 5, of the First Count. The Respondent admitted that in July, 1991 she owned, operated and practiced hairdressing at "Leah's Total Image". The Respondent also admitted that she was charged with possession of the controlled substance heroin and subsequently she pled guilty to that charge and was admitted to accelerated rehabilitation with or by Judge Mancini.

The Board finds that such conduct constitutes illegal, incompetent or negligent conduct in the course of her professional activities. The Board also notes that the Respondent stated that she knew her brother was a drug user and she gave him money, at her shop, which she knew was used to buy drugs. She also allowed her brother and someone else to enter the back of the salon, near the dispensary. Heroin was found by the police in the dispensary. The Board finds that the Respondent used poor judgment in letting the men go to the dispensary area and that she must take responsibility for her shop.

ORDER:

Pursuant to the authority vested in it by Connecticut General Statutes §20-263, the Board orders the following in this case against Leah Balboni, hairdresser and cosmetician, Petition No. 910806-20-009:

1. The Respondent is assessed a civil penalty of one thousand dollars (\$1,000.00). The Respondent must pay the one thousand dollars (\$1,000.00) penalty by certified check, made payable to Treasurer, State of Connecticut, sent to the Public Health Hearing Office, Department of Public Health and Addiction Services, 150 Washington Street, Hartford, CT 06106. The certified check shall include the Department petition number on its face for identification purposes.
2. Should the Respondent obtain a new license, the Respondent shall be placed on probation for a period of five (5) years. During such probation, she shall avoid having controlled substances on herself or at her shop.
3. If the Respondent is found to have controlled substances on herself or at her shop during the probation in Paragraph 2 above, the following procedure shall be followed:
  - a. Respondent will be notified in writing that the term(s) of probation have been violated provided no prior written consent for deviation from the term(s) had been granted by the Department.
  - b. Such notification shall state the act(s) or omission(s) which violated those terms.

- c. Respondent will be allowed fifteen (15) days to demonstrate to the Department that she was in compliance with the term(s) or to cure the violation of those term(s).
- d. If Respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, her license shall be revoked unless she requests a hearing as provided below.
- e. Respondent must initiate said hearing through a written request by certified mail to the Department mailed within thirty (30) days from the date of mailing of the notification of violation of the terms of Paragraph 1.
- f. Respondent shall be entitled to a hearing before the Board if she requests the same in a timely fashion.



- g. Evidence presented to said Board by either the Department or Respondent shall be limited to the alleged violation(s) of the term(s) of Paragraph 1.

4. This Order becomes effective on April 27, 1995.

Connecticut Examining Board for  
Barbers, Hairdressers and  
Cosmeticians

3-13-95  
Date

Reno Pelletier Acting Chairperson  
by: Reno Pelletier, Chairperson



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

May 30, 2000

Leah A. Balboni, H/C  
44 Hampton Road  
East Haven, CT 06512-4506

Re: Memorandum of Decision  
Petition No. 910806-20-009  
License No. 031830

**Completion of Probation**

Dear Ms. Balboni:

Please be advised that the probationary terms of the Order of the above-referenced Memorandum of Decision have been satisfied, effective 04/27/2000.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from License No. 031830, related to the above-referenced Memorandum of Decision.

Sincerely,

A handwritten signature in cursive script that reads "Richard Goldman".

Richard Goldman  
Paralegal Specialist II  
Division of Health Systems Regulation

cc: D. Tomassone, PHSM  
B. Pinkerton, RNC



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